

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. 1.112, are respectfully requested in light of the remarks which follow.

As noted in the Office Action Summary, claims 1, 3, 4 and 6-37 are currently pending. Claims 1, 3-4, 6-19, 21-23, 28 and 36-37 are amended herein. The claims are amended herein to provide antecedent basis and to address informalities such as spelling and grammar. The claims are also amended herein to bring dependent claims in line with newly amended claims. Thus, no new matter is added by way of the present Amendment.

Applicants reserve the right to file a continuation or divisional application directed to any subject matter deleted by way of the present Amendment.

Specification

The title is objected to as purportedly not descriptive. The title is amended herein to be more descriptive of the present invention.

Objections to the claims

Claims 1, 12, 19 and 21 stand objected to for informalities, such as grammar and spelling. The claims are amended herein to attend to these informalities. Claim 23 is objected to for the recitation that the cell line is complementing. As suggested by the Examiner, claim 23 is amended herein to recite that the cell line complements the functions. Thus, these objections are obviated.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 3-4, 6-37 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite.

Claim 1 stands rejected for the recitation of , "genomes of (i) and (ii) comprising" , as it is purportedly unclear whether each genome individually comprises each of the listed components or collectively the genomes comprise these components. Applicants submit that each genome (i) and (ii) individually comprises each of the listed components (*i.e.*, the 5' and 3' ITRs, the encapsidation region and one or more genes of the early and late regions). This would be clear to the skilled artisan, as the plural form of "genomes" used in claim 1 indicates that both genomes comprise the recited elements. To further clarify this point, claim 1 is amended herein to recite "the genomes of both (i) and (ii)". Thus, Applicants submit this rejection is obviated.

Claim 1 stands rejected for the recitation of "is in said first cell line", as it is purportedly unclear whether the first and second helper virus or just the first helper virus are in the cell line. Applicants confirm that both first and second helper viruses are introduced in this first cell line as recited in claim 1 ("Introducing in a first cell line (i) a first helper adenoviral vector or virus **and** (ii) a second helper adenoviral vector or virus") [emphasis added]. To clarify this point, Applicants have amended claim 1 herein to clarify the grammar. Specifically, the word "is" at line 13 of claim 1 has been deleted. Thus, Applicants request that this rejection be withdrawn.

Claim 1 stands rejected for the recitation of "said first adenovirus" and "said second adenovirus" as there is purportedly insufficient antecedent basis for this limitation. To provide antecedent basis, claim 1 is amended herein to recite "wherein

said first adenovirus genome is an animal adenovirus genome and said second adenovirus genome is a human adenovirus genome.

Claim 6 stands rejected as purportedly lacking antecedent basis for the phrase "said first and/or second adenoviral vector" in claim 3 to which claim 6 refers. Claims 7 and 8 stand rejected for purportedly lacking antecedent basis for the phrase "said first helper adenovirus". Claim 6 is amended to depend on claim 1, and is also amended to recite "first helper (i) or said second helper (ii) and said first helper (i) and said second helper (ii)", to provide antecedent basis. In light of the amendments to claims 1 and 6, Applicants submit this rejection is obviated.

Claim 10 stands rejected for the recitation of "in at least the gene encoding DBP, Pol and/or pTP", as, due to the linkages of the gene, it is purportedly unclear as to how it can be a gene. Claim 10 is amended herein to recite a "in one or more of the gene(s) selected from the group consisting of the genes encoding DPB, Pol and pTP" to clarify this point.

Claim 13 stands rejected for purportedly lacking antecedent basis for the recitation of "said second adenoviral vector" in claim 11. Applicants first note that claim 13 refers to claim 1, not to claim 11. However, to clarify, Applicants have amended claim 13 to clarify antecedent basis as provided by claim 1.

Claims 22 and 23 stand rejected as purportedly vague and indefinite for the recitation of the phrase "said first or second or first and second." As suggested by the Examiner, the claims are amended herein to recite the Markush group "selected from the group consisting of the first helper (i), the second helper (ii) and the first and second helpers (i) and (ii)".

Claim 28 stands rejected for the recitation of "said first or second or first and second". Applicants note that this phrase is not present in claim 28, and clarification is requested. Claim 28 is further rejected for the recitation of "amplification step." Claim 28 is amended herein to remove this phrase. Claim 28 further rejected for the recitation of "fresh second adenoviral helper vector." Claim 28 is amended herein to remove this phrase.

Claim 36 stands rejected for the recitation of "the method of claim 1(b)". Claim 36 is amended herein to recite "The method of claim 1, wherein step (b) is..." to clarify the claimed subject matter.

In light of the above amendments and remarks, Applicants request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

CONCLUSION


It is respectfully submitted that all rejections have been overcome by the above amendments. Thus, a Notice of Allowance is respectfully requested.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (703) 836-6620 so that prosecution of the application may be expedited.

Respectfully submitted,

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